

Anniston, Alabama

March 17, 2020

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B of the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, March 17, 2020, at approximately 5:34 o'clock a.m.

Pastor Vicki Folks, prayed the Invocation.

Pastor Vicki Folks led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of March 4, 2020 Regular Meeting. The motion was seconded Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Little, and Harris; nays: none; abstentions: Council Member Reddick and Mayor Draper. The motion carried and the March 4, 2020 minutes were approved.

Council Member Jenkins made a motion to adopt the agenda with the addition of a recess, at the end of the meeting, until Wednesday, March 18, 2020 at 5:00 p.m. to consider an emergency resolution with respect to COVID-19. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the amended agenda was adopted.

Mayor Draper opened a public hearing to receive public comments over-ruling objections to the abatement of identified nuisances. Group 2020-01 Grass/ Debris/ Vehicles.

Mayor Draper stated that the effected address was 1621 Cobb Ave and the violation was weeds and debris.

No One Spoke.

Mayor Draper closed the public hearing to receive public comments over-ruling objections to the abatement of identified nuisances. Group 2020-01 Grass/ Debris/ Vehicles.

Mayor Draper opened a public hearing to receive public comments regarding a certain Development Agreement between Blackwater Development Company, LLC and the City of Anniston.

No one spoke.

Mayor Draper closed the public hearing to receive public comments regarding a certain Development Agreement between Blackwater Development Company, LLC and the City of Anniston.

Council Member Jenkins made a motion to award to Brindlee Mountain Fire apparatus, LLC for the refurbishment 2007 Pierce Dash Pumper in the total amount of \$108,789.00. The motion was seconded

by Council Member Little and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper introduced Resolution 20-R-13, A Resolution over-ruling objections to the abatement of identified nuisances. Group 2020-01 Grass, Debris, & Vehicles.

Council Member Reddick made a motion for passage and adoption of Resolution 20-R-13. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-13 was passed and adopted.

Mayor Draper introduced Resolution 20-R-14, A Resolution authorizing a Development Agreement between the City of Anniston, Alabama and Blackwater Development Company, LLC. The motion was seconded by Council Member Little and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-14 was passed and adopted.

Council Member Jenkins stated that everyone should stay safe, sanitize regularly, and we will get through this.

Council Member Reddick recognized Alisha Willis for serving in the military and returning home to Anniston.

Council Member Little stated that the 772 for the hotel will be ready for the next meeting but there are some things that need to be tweaked. He stated that greyhound is suspending two routes: gli1553 and gli1547 because of the virus situation. He stated that planned a seminar on the March 18th but had to move that because of the information they received. He stated that it is a lot more to dealing with the homeless.

Council Member Harris had no comment.

Mayor Draper stated that they all have be inundated with information and they need to do a better job at social distancing. He stated that if they can, stay at home, maintain proper social distancing, wash your hands, and do not touch your face. He stated that they need to do everything they can to try and prevent the transmission of this virus even though there are no reported cases in Calhoun County.

Mayor Draper made a motion to recess until 5:00 p.m. tomorrow March 18, 2020 to consider an emergency resolution with respect to COVID-19. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The meeting is recessed until 5:00 p.m. March 18, 2020.

Mayor Draper made a motion to reconvene the March 17, 2020 regular meeting. The motion was seconded by Councilmember Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nay: none. The motion carried and the March 17, 2020 regular meeting was reconvened.

Mayor Draper declared that a quorum was established by virtue of the vote for the motion to reconvene.

Mayor Draper made a motion to amend the agenda to include a Resolution Declaring a State of Emergency within the City of Anniston. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the agenda was amended.

Mayor Draper introduced and read Resolution 20-R-15:

RESOLUTION NO. 20-R-15

DECLARING STATE OF EMERGENCY WITHIN THE CITY OF ANNISTON

WHEREAS, President Trump has declared a National State of Emergency based on the impact of COVID-19 becoming a pandemic event; and

WHEREAS, Governor Ivey has also declared a State of Emergency as relates to COVID19 in the State of Alabama; and

WHEREAS, Governor Ivey has also proclaimed the existence of conditions that warrant implementation of additional extraordinary measures and relief, including deviations from certain requirements of the Open Meetings Act and the laws governing competitive bidding on contracts;

WHEREAS, the Council for the City of Anniston, on advice of Emergency Management Personnel, determines to immediately take further action in this emergency circumstance on a continuing basis to address the COVID-19 impacts on our city and community; and to further declare a State of Emergency in the City of Anniston, Alabama; and

WHEREAS, it is vital that City emergency management personnel and other City Departments are authorized to expend City Funds for additional personnel, supplies and equipment as needed, so that action can be taken without delay to protect the lives and the safety of our residents and visitors to our City;

WHEREAS, COVID-19 poses a serious public health risk to our City stemming from it being a novel respiratory disease, impacting our City Services, Utility Services, Schools, Businesses, and Industries; and

WHEREAS, the extent and level of impact from COVID-19 cannot be determined at present and City Departments need the authority and funding to react promptly and without delay at this critical time;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Anniston, Alabama that it hereby declares a State of Emergency in the City of Anniston, Alabama, and does hereby appoint and declare the Mayor and City Manager to be the directors of the City's emergency management and does confer upon the Mayor and City Manager, and their delegees, the authority and responsibility for the organization, administration, and operation of the City's emergency management efforts and functions. The Mayor and City Manager are specifically authorized and empowered to do the following:

(I) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; to provide for the health and safety of persons and property, including emergency assistance; and to direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

- (2) To appoint, employ, remove, or provide, with or without compensation, such emergency management personnel as may be required;
- (3) To establish a primary and one or more secondary control centers to serve as command posts, as may be needed;
- (4) To assign and make available for duty the employees, property, or equipment of the City relating to fire-fighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes, within or outside of the physical limits of the City;
- (5) To waive procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds; and
- (6) To close any and all public buildings owned or leased by and under the control of the City where emergency conditions warrant.

BE IT FURTHER RESOLVED, in consideration of the concerns for public health and safety, the continued operations of the City and governing body, and the right of the public to open conduct of government, the Council hereby adopts, authorizes and proclaims the following:

The Mayor is authorized and empowered to call, hold and conduct regular and special meetings of the Council by means of telephone conference, video conference, or other similar communications equipment, provided: (1) any deliberation conducted, or action take, during the meeting is limited to matters within the Council's statutory authority that is (a) necessary to respond to COVID-19 or (b) necessary to perform essential minimum functions of the governing body; (2) the communications equipment allows all persons participating in the meeting to hear one another at the same time; and (3) a summary of the meeting, including deliberations conducted and actions taken, is posted on the City's website within twelve hours following the conclusion of the meeting.

The Mayor is authorized and empowered to call, hold and conduct regular and special meetings of the Council in-person, provided a quorum is physically present at the meeting, subject to reasonable and in such instances, the Council hereby suspends and removes all awards and recognitions, public hearings, informal public comments, formal public comments, and Council comments from the agenda until such time that the Council resolves to end the State of Emergency within the City of Anniston, as declared herein.

BE IT FURTHER RESOLVED, that the Council hereby authorizes and empowers the Mayor and City Manager, and their delegees, to exercise such further rights and powers as Governor Ivey may subsequently confer upon local political subdivisions by proclamation, order, or decree pursuant to the Alabama Emergency Management Act of 1955, or otherwise, in response to the State of Emergency within the State of Alabama and City of Anniston.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its passage and adoption.

PASSED and ADOPTED on this the 18th day of March, 2020.

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper stated that this resolution is keeping with recommendations by the Alabama League of Municipalities and the proclamation issued today by Governor Ivey. He stated that is also honors the city's form of government.

Council Member Harris made a motion for passage and adoption of Resolution 20-R-15. The motion was seconded by Council Member Jenkins.

Council Member Reddick made a motion to amend the resolution by removing the language to suspend and remove informal and formal public comments. The motion was seconded by Council Member Little.

Council Member Harris stated that she cannot imagine not putting public health and safety above everything else. She stated that is the most important thing that they can do; and she cannot imagine prolonging council meetings or doing anything to put the public in jeopardy. She stated that she will not support this amendment.

Council Member Little stated that three minutes of public comment time is not like Cinderella at the ball where we will turn into a pumpkin in 3 minutes. He stated he is concerned that at the mention of an emergency that they will wipe away the public right. He stated that in light of everything that is going on the public should have the right to say something for a few minutes.

Council Member Reddick that he will never support a situation where the government decides to silence the people. He stated that if people come to speak and follow the guidelines then they have that right. He stated that the people deserve to be heard if they come out to the meeting.

Council Member Jenkins stated that he appreciates both sides of the conversation but the health and safety of the public is the paramount issue. He stated that they are not silencing the public and that they are all accessible. He stated that they are the mouthpiece for people they represent and they need to continue to be that; and until they get to a place of control of the situation they need to take extreme precautions to protect the people they represent. He stated that he is not in favor of this amendment.

Mayor Draper stated that this is an issue of public safety in the midst of a public health crisis and public safety has to be their paramount concern. He stated that they have to recognize that the President has declared a state of emergency, Governor Ivey has declared a state of emergency and they are set to locally set a State of Emergency. He stated that the goal is to limit attendance at the meetings and shorten them because it is simply not safe for large groups to congregate.

And on call of the roll the following vote was recorded: ayes: Council Member Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion to amend the resolution to remove the language to suspend and remove informal and formal public comment failed.

Council Member Little stated that in 2011 there was an emergency resolution passed by the council that enjoined other cities to work together in emergency situation. He stated that in this resolution there is a

wide variety of power given to the Mayor and City Manager. He stated that he does not agree with what has taken place at the federal or state level in this time and a lot of people are trying to profit from it. He stated that his concern is that there is a lot of authority to spend money and take action without council being conferred and talked with.

Mayor Draper stated that this resolution gives them the authority to convene a meeting via phone if it is necessary.

Council Member Jenkins stated that as rapidly evolving as the circumstances surrounding this are, there could be a possibility that one or more of the council members could not be available even by phone. He stated that he has faith that the Mayor and City Manager will not abuse the authorities given in this resolution.

Mayor Draper stated that in the event that they have a meeting where they all call to a number with a code, the plan is to push that audio out just like live streaming so that people can hear in real time.

Council Member Reddick stated that the problem he has is that none of that is in writing, that they will make every effort to come together. He stated that they are telling people they are giving the Mayor the power to do whatever but just trust us that we would not.

Council Member Harris stated that she has no doubt that the Mayor and City Manager can be trusted. She stated that she has faith in both individuals.

Council Member Little stated that he does not have any doubt either but they should trust be verify. He stated that with everything that is evolving he needs to be in loop before things are made. He asked if the Governor has the authority to give the council the authority to override certain things that are deferred by law. He stated that the local government is where the public can communicate with and it is important for them to have the opportunity to speak.

Council Member Harris stated that hopefully the public will abide by the CDC's recommendation and stay home.

Council Member Reddick stated that they are saying that the public cannot speak but the Mayor and the City Manager will make all the decisions to the council. He stated that he cannot support that because they are taking away the public voice then asking them to trust that they won't do anything. He stated that is too far.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 20-R-15 was passed and adopted.

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper nays: none. The motion carried and the meeting was adjourned at approximately 5:32 o'clock p.m.